From: Tom Wilcox
To: Gosselin, Danielle; Wood, Diana
Cc: mwhite@wintersbros.com
Subject: Brookhaven Rail - Additional Update on Ownership Issues
Date: Thursday, November 11, 2021 10:29:50 AM

Danielle and Diana –

This email updates the information I provided to you, on behalf of Brookhaven Rail LLC, in my email of July 30, 2021, about the ownership of Parcels D, B and C of the former Brookhaven Rail Terminal properties. At that time, NorthPoint Development, LLC ("Northpoint") had acquired the contractual right to purchase Parcels B and C and develop them. Prior to the closing date for that purchase, NorthPoint assigned its acquisition rights to NP/Winters Long Island Industrial, LLC ("NP/Winters"). Brookhaven Rail is not an affiliated company of NP/Winters. Subsequently, NP/Winters became the owner of Parcels B and C on October 20, 2021. My prior email informed you that NP/Winters had acquired approximately 178 acres of Parcel D on May 6, 2021. The plan remains for Brookhaven Rail to lease approximately 18.5 of the 178 acres on Parcel D from NP/Winters to construct and operate the lines of railroad generally described in its Petition for Exemption in Docket FD 36398 as updated by the schematic/map for Parcel D submitted to OEA in my letter of July 5, 2021.

In my July 5 letter I also provided you and OEA with an update of the planned development of Parcel D for rail-served industry, namely the plans of NP/Winters to construct two rail and truck served warehouses of 306,000 and 1,000,000 square feet, respectively, on the 178 acres. Brookhaven rail understands that NP/Winters is now implementing plans to design and construct those facilities. Of relevance to OEA's analysis of the potential environmental impacts of Brookhaven Rail's proposed rail construction project and proposed solid waste rail transfer facility, NP/Winters will submit applications to the Town of Brookhaven that in part ask for permission to begin clearing trees on parts of Parcel D that NP/Winters has determined are needed for the construction of the warehouse buildings, utilities, access roads, parking lots, etc. Brookhaven Rail understands that the application will not include the approximately 18.5 acres to be leased by it from NP/Winters to construct and operate the lines of railroad covered by its Petition for Exemption, as updated. The NP/Winters application will also include a request for permission to clear trees on a 150-foot wide strip of the 50 acres of Parcel D purchased by Winters Bros. Shamrock Realty LLC on which Brookhaven Rail's proposed solid waste rail transfer facility would be constructed. Brookhaven Rail understands this clearing is required for the construction of an access road to the NP/Winters' warehouses that will connect to Horseblock Road at the southern end of Parcel D.

Brookhaven Rail and Winters Bros. Shamrock Realty LLC have advised NP/Winters that any clearing activities on Parcel D should take into account the STB's jurisdiction over the pending rail construction project petition for exemption and the proposed solid waste rail transfer facility, and that the applications to the Town seeking permission to clearing trees on Parcel D should contain language to this effect.

As always, please do not hesitate to call or email me if you have questions or desire additional information.

Regards,
Tom

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